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Attorneys for Plaintiff  
KFx Medical Corporation

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

KFX MEDICAL CORPORATION, a  
Delaware corporation,

Plaintiff and Counterdefendant,

v.

ARTHREX, INCORPORATED, a  
Delaware corporation,

Defendant and Counterclaimant.

Case no. 11cv1698 DMS (BLM)

**PLAINTIFF'S NOTICE OF  
MOTION AND MOTION FOR  
SUMMARY JUDGMENT OF NO  
INEQUITABLE CONDUCT IN  
CONNECTION WITH U.S.  
PATENT NOS. 8,100,942 &  
8,109,969**

Date: June 28, 2013

Time: 1:30 p.m.

Courtroom 13A

Honorable Dana M. Sabraw

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that on June 28, 2013, at 1:30 p.m., Plaintiff KFx Medical Corporation (“KFx”), will appear in the above-referenced Court, located at 333 West Broadway, Courtroom 13A, San Diego, CA 92101, and will, and hereby does, move the Court for summary judgment of no inequitable conduct in connection with U.S. Patent Nos. 8,100,942 and 8,109,969.

**MOTION**

Plaintiff KFx Medical Corporation hereby moves the Court for summary judgment of no inequitable conduct in connection with U.S. Patent Nos. 8,100,942 and 8,109,969. This motion is based upon KFx’s memorandum of points and authorities, the declaration of Sean M. Murray, and the July 11, 2012 declaration of Tate Scott previously submitted to the Court as D.I. 41, as well as the exhibits to these documents, all of which are being filed concurrently herewith. KFx’s motion is also based on such other oral and/or documentary evidence as may be presented at or before the time of the hearing.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 17, 2013 By: s/Joseph F. Jennings

Joseph F. Jennings  
Brian Horne  
Sean M. Murray  
Sarah Lampton  
Marissa Calcagno

Attorneys for Plaintiff  
KFx Medical Corporation

**PROOF OF SERVICE**

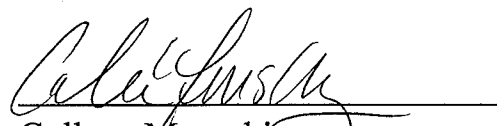
I hereby certify that on May 17, 2013, I caused the within **PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT OF NO INEQUITABLE CONDUCT IN CONNECTION WITH U.S. PATENT NOS. 8,100,942 & 8,109,969** to be electronically filed with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to the following person(s):

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I certify and declare under penalty of perjury under the laws of the State of California that I am employed in the office of a member of the bar of this Court at whose direction the service was made, and that the forgoing is true and correct.

Executed on May 17, 2013, at San Diego, California.

  
Colleen Mensching

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